

## **REMARKS**

Claims 1-13 were presented for examination and were subject to a lack of unity of invention requirement.

### **Election**

In making the lack of unity of invention requirement, the examiner identified as patentably distinct the following:

- Group 1: claims 1-7 and 13, drawn to a physical location and implementation of a capacitive sensor; and
- Group 2: claims 8-12, drawn to a circuit for detecting the time taken to charge a capacitor.

In response to this lack of unity of invention requirement, Applicants elect with traverse to prosecute Group I in this application.

### **Reasons for Traverse**

Under “unity of invention” practice, which applies for § 371 national phase applications, claims can be restricted only if the claims lack a “special common feature,” which is defined as a technical feature that makes a contribution over the prior art. Before considering the claims in relation to prior art, lack of unity of invention exists only if the claims have no common features. After taking the prior art into consideration, lack of unity of invention between claims may exist if their common features are known in the prior art. *See* MPEP § 1850. The MPEP sets forth the requirements for making a lack of unity of invention requirement: “[T]he examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group

(i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.” See MPEP § 1983.03(d) (emphasis added).

In making the lack of unity of invention requirement, the examiner asserted that Groups 1 and 2 do not relate to a single general inventive concept. In this application, however, claims 8-12 (i.e., each of the claims in Group 2) depend either directly or indirectly from claim 1 (which is in Group 1). Since each of the features recited in claim 1 is common with each of claims 8-12 by virtue of the claim dependency, it cannot be said that Group 1 contains any special unique technical features that are not also claimed in Group 2. Therefore, the lack of unity of invention requirement is improper.

If the examiner believes for any reason direct contact would help advance the prosecution of this case to allowance, the examiner is encouraged to telephone the undersigned at the number given below.

Respectfully submitted,

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